

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

DEBRA KEARNS,

CASE NO.:

Plaintiff,

vs.

INPAX SHIPPING SOLUTIONS, INC. d/b/a
SHIP INPAX LOGISTICS, LLC a Georgia
Corporation, and NIURKA I. PEREZ, an
individual,

Defendants.

COMPLAINT

COMES NOW, the Plaintiff, DEBRA KEARNS, by and through his undersigned counsel, and sues the Defendants, INPAX SHIPPING SOLUTIONS, INC. d/b/a SHIP INPAX LOGISTICS, LLC, and NIURKA I. PEREZ and states as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of the costs of this action, which is the minimum jurisdiction of this Court.
2. At all times material hereto, the Plaintiff, DEBRA KEARNS, was and is a resident of Broward County, Florida, and is otherwise *sui juris*.
3. At all times material hereto, the Defendant, INPAX SHIPPING SOLUTIONS, INC. d/b/a SHIP INPAX LOGISTICS, LLC (hereinafter "INPAX"), was and is a Foreign corporation with its principal location at 2444 Forest Park Road SE, Atlanta, GA 30315, and is otherwise *sui juris*.
4. At all times material hereto, the Defendant, INPAX, owned a 2016 Nissan motor vehicle with the license plate #GNCD72, VIN #1N6BF0KY7GN804932, which was involved in the subject automobile accident.

5. At all times material hereto, the Defendant, NIURKA I. PEREZ (hereinafter "MS. PEREZ"), was and is a resident of Miami-Dade County, Florida, and is otherwise *sui juris*.
6. At all times material hereto, the Defendant, MS. PEREZ, was the employee and/or driver of the aforementioned vehicle owned by the Defendant, INPAX, at the time of the subject automobile accident, and was within the course and scope of her employment with INPAX at the time of said accident.
7. That at all times material hereto the subject accident occurred in Weston, Broward County, Florida.

COUNT I
VICARIOUS LIABILITY OF DEFENDANT,
INPAX SHIPPING SOLUTIONS, INC. d/b/a SHJP INPAX LOGISTICS, LLC

The Plaintiff, DEBRA KEARNS, realleges and restates all of the allegations contained in the allegations 1 through 7, hereinabove, and further alleges:

8. On October 15, 2017 at approximately 10:00 a.m., the Defendant, INPAX, owned a 2016 Nissan motor vehicle that was operated with its consent by the Defendant, MS. PEREZ, on Stanton Drive in Weston, Broward County, Florida.
9. On or before October 15, 2017, the Defendant, INPAX, permitted and provided permission and consent for the Defendant, MS. PEREZ, to operate, maintain, and control its vehicle.
10. At that time and place aforesaid, the Defendant, MS. PEREZ, negligently operated, maintained, and/or controlled the Defendant, INPAX's, vehicle while driving in a residential area, so that she was speeding down the street and while Plaintiff was outside of her residence walking her dog, the Defendant, MS. PEREZ, negligently hit and ran over Plaintiff's dog and knocked Plaintiff to the ground. As a result, Plaintiff sustained serious bodily injuries and emotional trauma from the loss of her dog.

11. The Defendant, INPAX, is vicariously liable for the injuries sustained by the Plaintiff, DEBRA KEARNS, under the doctrine of dangerous instrumentality.
12. That as a result of the Defendant, INPAX's, negligent actions and/or inactions, the Plaintiff, DEBRA KEARNS, suffered severe bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of like, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, DEBRA KEARNS, demands judgment for damages against the Defendant, INPAX SHIPPING SOLUTIONS, INC. d/b/a SHIP INPAX LOGISTICS, LLC, plus costs, interest and any other relief the Court deems proper, reasonable, and just.

COUNT II
NEGLIGENCE AGAINST DEFENDANT, NIURKA I. PEREZ

The Plaintiff, DEBRA KEARNS, realleges and restates all of the allegations contained in the allegations 1 through 7, hereinabove, and further alleges:

13. On October 15, 2017 at approximately 10:00 a.m., the Defendant, INPAX, owned a 2016 Nissan motor vehicle that was operated with its consent by the Defendant, MS. PEREZ, on Stanton Drive in Weston, Broward County, Florida.
14. On or before October 15, 2017, the Defendant, INPAX, permitted and provided permission and consent for the Defendant, MS. PEREZ, to operate, maintain, and control its vehicle.
15. At that time and place aforesaid, the Defendant, MS. PEREZ, negligently operated, maintained, and/or controlled the Defendant, INPAX's, vehicle while driving in a residential area, so that she was speeding down the street and while Plaintiff was outside of her residence walking her dog, the Defendant, MS. PEREZ, negligently hit and ran over Plaintiff's dog and knocked Plaintiff to

the ground. As a result, Plaintiff sustained serious bodily injuries and emotional trauma from the loss of her dog.

16. That as a direct result of the Defendant, NIURKA I. PEREZ's, negligence, the Plaintiff, DEBRA KEARNS, suffered severe bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of like, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, DEBRA KEARNS, demands judgment for damages against the Defendant, NIURKA I. PEREZ, plus costs, interest and any other relief the Court deems proper, reasonable, and just.

DEMAND FOR JURY TRIAL

The Plaintiff in the above-styled cause hereby demands a trial by jury of all the issues triable by right.

Dated this 21st day of March 2019.

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